IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE S.SIRI JAGAN

FRIDAY, THE 25TH MAY 2007 / 4TH JYAISHTA 1929

WP(C).No. 14394 of 2007(L)

PETITIONER:

K.MOHAMMEDALI, KUNNAKAVU,CHERUKARA,
PERINTHALMANNA.

BY ADV. SRI.I.DINESH MENON

RESPONDENTS:

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1. THE REGIONAL TRANSPORT AUTHORITY,
PALAKKAD.

2. THE SECRETARY, REGIONAL TRANSPORT
AUTHORITY,PALAKKAD.

BY GOVT. PLEADER SRI.I.V.PRAMOD.

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 25/05/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

S. SIRI JAGAN, J.

W.P.(C) No. 14394 OF 2007

Dated this the 25th May, 2007.

J U D G M E N T

The petitioner has applied for a regular permit in the route, Ambalappara-Valamboor, via. Thiruvazhiyode, S.K.Puram, Ariyampavu, Alanellur, Puthoor, Nattukal, Karingalathani, P.Manna and Angadipuram, and trips Mannarthala from P.Manna. The same was rejected by Ext.P1 order. Petitioner filed M.V.A.A.No.736/2003, before the State Transport Appellate Tribunal, Ernakulam, who allowed the same, and by Ext.P2, the State Transport Appellate Tribunal directed the Regional Transport Authority, Palakkad, to grant the permit. However, the Regional Transport Authority did not consider petitioner's application, in accordance with Ext.P2 judgment of the State Transport Appellate Tribunal. It is under the above circumstances, the petitioner has filed this writ petition for a direction to the respondents to implement Ext.P2 judgment and grant regular permit to the petitioner.

2. The learned Government Pleader submits that petitioner's application was not considered, because the Regional Transport Authority is of the opinion that Ext.P2 has to be taken in

appeal. Counsel for the petitioner submits that since the Regional Transport Authority is not an aggrieved party against Ext.P2, they cannot file an appeal. In similar writ petitions, this Court has directed the Regional Transport Authority to implement the judgment of the State Transport Appellate Tribunal, which would be subjected to interim or final orders to be passed in the proceedings, which may be initiated by the Government, against the order of the State Transport Appellate Tribunal.

3. In the above circumstances, this writ petition is also disposed of directing the Regional Transport Authority to consider the application of the petitioner, in the next meeting, in accordance with Ext.P2 judgment. However, any orders to be passed would subject to interim or final orders to be passed in proceedings, which may be initiated by the Government against Ext.P2 judgment.

The writ petition is disposed of as above.

S. SIRI JAGAN,
JUDGE

nj.